

22.124(455B) Retired units exemption.

22.124(1) *Applicability.* This rule applies to any affected unit that is retired prior to the issuance (including renewal) of an acid rain permit for the unit as a final agency action.

22.124(2) *Petition for written exemption.*

a. The designated representative, authorized in accordance with Subpart B of 40 CFR Part 72 as amended through July 30, 1993, of a source that includes a unit under subrule 22.124(1) may petition the department for a written exemption, or to renew a written exemption, for the unit from certain requirements of the acid rain program.

b. A petition under this rule shall be submitted on or before:

(1) The deadline for submitting an acid rain permit application for Phase II; or

(2) If the unit has a Phase II acid rain permit, the deadline for reapplying for such permit.

c. The petition under this rule shall be submitted on a form approved by the department which includes the following elements:

(1) Identification of the unit;

(2) The applicable deadline under paragraph 22.124(2)"b";

(3) The actual or expected date of retirement of the unit;

(4) The following statement: "I certify that this unit ('is' or 'will be', as applicable) permanently retired on the date specified in this petition and will not emit any sulfur dioxide or nitrogen oxides after such date";

(5) A description of any actions that have been or will be taken and provide the basis for the certification in subparagraph 22.124(2)"c"(4); and

(6) The special provisions in subrule 22.124(4).

22.124(3) *Department's action.*

a. The department will issue, for any unit meeting the requirements of subrules 22.124(1) and (2), a written exemption

from the requirements of rules 22.120(455B) to 22.147(455B) and 40 CFR Part 72 as amended through November 22, 1994, except for the requirements specified in this rule and 40 CFR 72.1 through 72.6, 40 CFR 72.8, and 40 CFR 72.10 through 72.13. The exemption shall take effect on January 1 of the year following the date on which the written exemption is issued in accordance with paragraph 22.124(3)"b"; provided that the owners and operators, and, to the extent applicable, the designated representative, shall comply with the requirements of rules 22.120(455B) to 22.147(455B) and 40 CFR Part 72 as amended through November 22, 1994, concerning all years for which the unit was not exempted, even if such requirements arise or must be complied with after the exemption takes effect. The exemption shall not be a defense against any violation of such requirements of the acid rain program whether the violation occurs before or after the exemption takes effect.

b. In considering and issuing or denying a written exemption under paragraph 22.124(3)"a," the department will apply the procedures in rules 22.135(455B) to 22.139(455B) by:

(1) Treating the petition as an acid rain permit application under such provisions;

(2) Issuing or denying a draft written exemption that is treated as the issuance or denial of a draft permit under such provisions; and

(3) Issuing or denying a proposed written exemption that is treated as a proposed permit under such provisions, provided that no provision under rules 22.135(455B) to 22.139(455B) concerning the content, effective date, or term of an acid rain permit shall apply to the written exemption or proposed written exemption.

c. A written exemption issued under this rule shall have a term of five years, except as provided in paragraph 22.124(4)"c."

22.124(4) *Special provisions.*

a. A unit exempted under this rule shall not emit any sulfur dioxide and nitrogen oxides starting on the date it is exempted.

b. The owners and operators of a unit exempted under this rule shall comply with monitoring requirements in accordance with rule 567-25.2(455B) and will be allocated allowances in accordance with 40 CFR Part 73 as amended through July 30, 1993.

c. A unit exempted under this rule shall not resume operation unless the designated representative of the source that includes the unit submits an acid rain permit application for the unit not less than 24 months prior to the later of January 1, 2000, or the date the unit is to resume operation. On the earlier of the date the written exemption expires or the date an acid rain permit application is submitted or is required to be submitted under this paragraph, the unit shall no longer be exempted under this rule and shall be subject to all requirements of rules 22.120(455B) to 22.147(455B) and 40 CFR Part 72 as amended through November 22, 1994.

EPA Rulemakings

FRM: 60 FR 45671 (9/1/95)

PRM: 60 FR 20465 (4/26/95)

State Submission: 8/17/94

State Proposal: N/A

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[illegible]

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Description: This revision amended paragraph 22.124(3)a and 22.124(4)c by changing the date July 30, 1993 to November 22, 1994 and deleted reference to administrative appeal.

[illegible]

Difference Between the State and EPA-Approved Regulation

None.